

Village of Irvington  
Zoning Board of Appeals

Minutes of Meeting held October 26, 2004

A meeting of the Zoning Board of Appeals of the Village of Irvington was held at 8:00 P.M., Tuesday, October 26, 2004, in the Trustees' Meeting Room, Town Hall, Irvington, N.Y.

The following members of the Board were present:

Louis C. Lustenberger, Chairman  
Bruce E. Clark  
Christopher Mitchell

Mr. Lustenberger acted as Chairman and Mr. Mitchell as Secretary of the meeting.

Minutes for the Board's meeting of September 21, 2004 were approved.

There was one new matter on the agenda:

2004-28     Craig and Jennifer Ruoff - 4 Oak Street (Sheet 7A; Block 233; Lots 3 & 4)  
              Seeking a variance from sections 224-11 (front yard setback) and 224-13 (coverage) of the Village Code in order to permit the construction of a residential addition.

Ruoff

The applicant's architect presented and discussed the project to add a garage and master bedroom on the south

side of the existing home, noting that it had been revised (prior to submission to the ZBA) in order to take account of neighbors' expressed concerns. Presenting drawings of the proposed addition, and photos of the site at present, he indicated that the applicant viewed the residence's north yard as its front yard, and the south yard as the back.

Mr. Brian Burke and Ms. Trish Waters, immediate neighbors residing at 5 Willow Street, spoke in opposition to the application, citing the height of the planned addition and its proximity to the back of their home. They cited but did not repeat the purport of several letters they had sent to the Planning Board during its consideration of the Ruoff project, copies of which had been sent to the ZBA. Neighbor Patricia Mulvey of 11 Willow Street also spoke briefly in opposition to the application, while Ms. Tanya Hunt of 54 Station Road spoke in favor of it, backing the rights of property owners to expand their homes.

Both Mr. Clark and Mr. Mitchell posed questions to the applicant and architect, bearing especially on the matter of defining the back yard and side yards of the Ruoffs' property. (Mr. Mitchell indicated that the west side of the plot at 4 Oak Street, facing the Burke/Waters property,

appeared to be the back yard, given the orientation of the Ruoff residence.) It emerged from this discussion that the Planning Board had not taken a definitive position on designating the back yard, reasoning that the issue of a variance from front yard setback requirements would provide an adequate opportunity for the ZBA to take back- or side-yard clearances into account.

The chair presented an overview of the considerations that the Board must take into account when deliberating on variances. On one of these points - the project's possible detrimental effect on nearby property - he considered the likely impact to be severe. The proposed addition, in his view, would have a wall-like effect on the Burke/Waters property. The requested extension of a non-conforming front-yard setback was also substantial, he stated. It was less clear, the chair continued, that the neighborhood would suffer detriment from the requested construction, although in reviewing the applicants' request for an additional 178 square feet of coverage, the matter of precedent in the neighborhood should be considered. The chair said he was not certain the Board could or should take up the questions of light and air raised by Ms. Waters and Mr. Burke.

The balance of considerations, in the chair's view, turned against the application, and he offered a motion to deny the requested variances. Mr. Ruoff stated that other families would be reluctant to move to Irvington, if expansions similar to the one requested were not allowed. The motion to deny the requested variances was carried by a vote of 3-0.

There being no further business to come before the meeting, it was, upon motion duly made and seconded, unanimously adjourned.

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Christopher Mitchell